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Docket No.: 243863US3DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/684,503
Applicants: Hitoshi SAKAMOTO, et al.
Filing Date: October 15, 2003
For: METHODS AND APPARATUS FOR THE FORMATION OF A METAL FILM
Group Art Unit: 1762
Examiner: TUROCY, D.

SIR:

Attached hereto for filing are the following papers:

Response to Restriciton Requirement

Our check in the amount of **$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
HITOSHI SAKAMOTO, ET AL.	: EXAMINER: TUROCY, D.
SERIAL NO: 10/684,503	:
FILED: OCTOBER 15, 2003	: GROUP ART UNIT: 1762
FOR: METHODS AND APPARATUS FOR THE FORMATION OF A METAL FILM	:

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated June 20, 2005, Applicants provisionally elect Group (Invention) II, Claims 11-13, 20 and 33-35, drawn to an apparatus, classified in class 118, subclass 715+.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that the Inventions I and II are distinct each from the other under MPEP §806.05(e), because "[i]n this case the apparatus as claimed can be utilized for a materially different process such as precursor not containing a halogen." However, without further information, such a finding lacks grounds upon which it can be evaluated whether in fact the proposed alternative is "materially different" under MPEP §806.05(e). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP §803 states the following: